

TUESDAY 1:30 P.M. AUGUST 24, 1999

PRESENT:

- Jim Galloway, Chairman
- Ted Short, Vice Chairman
- Pete Sferrazza, Commissioner
- Jim Shaw, Commissioner
- Joanne Bond, Commissioner
- Amy Harvey, County Clerk
- Katy Singlaub, County Manager
- Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. Ninth Street, Reno, Nevada. Following the pledge of allegiance to the flag of our Country, the County Clerk called the roll and the Board conducted the following business.

99-839 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that Items 8D and 14 be moved to the front of the agenda; and that the agenda for August 24, 1999 meeting be approved.

PUBLIC COMMENTS

Sam Dehne, Reno citizen, stated he heard that Reno City Hall charged money to attend their State of the City address and that it was by invitation only. He further stated his concerns regarding the Washoe County Appointee to the Airport Authority, who is the new chairman, and requested that the Board do something about him riding roughshod over the 1st and 14th Amendments.

99-840 AGREEMENT - DRUG/ALCOHOL REHABILITATION - CHOICES UNLIMITED - SECOND JUDICIAL DISTRICT COURT

Judge Peter Breen, of the Second Judicial District Court, and Dave Spitzer, Contract Attorney, were present and answered questions for the Board regarding the agreement.

Upon recommendation of Cathy Krolak, Court Administrator, on motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Professional Services Agreement, concerning drug/alcohol rehabilitation services between Second Judicial District Court and Choices Unlimited, be approved and Chairman Galloway be authorized to execute on behalf of Washoe County.

99-841 RECOMMENDATION - HIGH RISK EVENT POLICY - PARKS & RECREATION

Karen Mullen, Parks & Recreation Director, was present and answered questions for the Board regarding the High Risk Event Policy.

Upon recommendation of Greg Finkler, Parks Operation Superintendent, through Karen Mullen, Parks & Recreation Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the High Risk Event Policy including classification criteria, specific user requirements, including paying for security, and other related policies, be approved and adopted.

MINUTES

On motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the

minutes of the Special Meeting of July 8, 1999, and the Regular Meetings of July 13 and 20, 1999, be approved.

99-842 PROCLAMATION - "9-1-1 EMERGENCY NUMBER DAY"

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the following proclamation, be adopted and Chairman Galloway be authorized to execute.

PROCLAMATION

WHEREAS, Protecting life and ensuring safety are important responsibilities of local governments in the Truckee Meadows; and

WHEREAS, The ability of all residents to quickly summon helping an emergency is essential to our community's well-being; and

WHEREAS, The 9-1-1 emergency telephone system has saved many lives, thereby enhancing the quality of life in the Truckee Meadows; and

WHEREAS, The 9-1-1 emergency telephone system increases public confidence and provides efficient emergency service with greater response capabilities and cost savings to the public; now, therefore, be it

Proclaimed, by the Washoe County Board of Commissioners that September 11, 1999 is designated as "9-1-1 Emergency Number Day" in Washoe County.

99-843 SEXUAL ASSAULT VICTIMS - MEDICAL CARE - PAYMENT

Pursuant to NRS 217-280 to 217.350, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up treatment for 25 victims of sexual assault in an amount totaling \$9,673.40 as set forth in a memorandum placed on file with the Clerk from Vickie Wedow, Administrative Assistant, District Attorney's Office, dated August 3, 1999.

98-844 ACCEPTANCE OF DONATION - J.C. PENNEY CO. INC. - SHERIFF'S DEPARTMENT

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the donations of stuffed animals in the amount of \$540 for the Patrol Division and Domestic Violence Investigators, to be distributed to children they come in contact with, be accepted from J.C. Penney Co. Inc., with the Board's gratitude.

99-845 TRANSFER FROM CONTINGENCY - FINANCE

Upon recommendation of Anna Heenan, Finance Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that this transfer of \$9,000 within the Contingency Fund for the moving expense and office furniture for the new Assistant County Manager, be approved and the Comptroller be authorized to make the following adjustments:

Account	Description	Decrease Amount
001-1890-7328	Contingency	\$9,000
Account	Description	Increase Amount
001-1011-7352	Moving Costs	\$6,000
001-1011-7205	Furniture & Equip.	\$3,000

99-846 TRANSFER FROM CONTINGENCY - MAPES HOTEL - FINANCE

Upon recommendation of Anna Heenan, Finance Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that this transfer of \$100,000 within the Contingency Fund regarding the earnest money as required by the request for proposal for purchase of the Mapes Hotel, be approved and the Comptroller authorized to make the following adjustments:

Account	Description	Decrease Amount
001-1890-7328	Contingency	\$100,000
Account	Description	Increase Amount
001-1011-7103	Professional Services	\$100,000

99-847 TRANSFER OF APPROPRIATIONS - CAPITOL OUTLAY - CONTINGENCY TRANSFER - FINANCE

Upon recommendation of Gary Goelitz, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that Bid #2187-00 be awarded to High Desert Micrographics, Inc, for a Kodak digital document archive system, and the Comptroller's Office be directed to make the following adjustments:

1. That the unbudgeted capital outlay for the acquisition of a Kodak digital document archive system, be authorized;
2. That Bid #2187-00 be awarded to High Desert Micrographics, Inc, for the Kodak digital document archive system; and
3. That the transfer of \$44,050 from the Contingency Fund to the Public Works Construction Fund as noted in the table below, be authorized; and
4. The Comptroller's Office be directed to make the following adjustments.

Transfer From:

Account	Description	Amount
001-1890-7328	Contingency	\$44,050

Transfer To:

Account	Description	Amount
092-920244-7820	Data Proc. Hardware	\$44,050

99-848 ACCEPTANCE OF GRANT - EMERGENCY RESPONSE COMMISSION, HAZARDOUS MATERIAL - EMERGENCY MANAGEMENT

Upon recommendation of Joe Beard, Chairman of the Local Emergency Planning Committee, and Press Clewe, Emergency Management Manager, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the State of Nevada, Emergency Response Commission, (SERC) Hazardous Material grant in the amount of \$24,480, to purchase specialized hazardous material response equipment and perform specialized hazardous material response training, be accepted.

99-849 VICTIM ADVOCATE POSITION - DISTRICT ATTORNEY

Upon recommendation of Richard Gammick, District Attorney, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the Victim Advocate position, funded by the 1999 Stop Violence Against Woman Act Grant, (in the amount of \$45,709) for one year, or for the term of the grant, be approved.

It was noted that the funds would be budgeted in the following accounts:

Account No.	Account Description	Increase Budget
10663G-7001	Salary	\$30,621
10663G-7042	Insurance	2,701
10663G-7048	Retirement	5,742
10663G-7050	Medicare	445
10663G-7205	Office Furniture	4,000
10663G-7829	Computer Hardware	2,200
	Total Expenses	\$45,709
10663G-4301	Federal Contributions	\$45,709

99-850 ACCEPTANCE - JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT - FINANCE

Upon recommendation of Lisa Gianoli, Budget Manager, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the Juvenile Accountability Incentive Block grant award in the amount of \$319,360 with a County match in the amount of \$35,484, be accepted.

99-851 FIRST AMENDMENT WATER LINE & ACCESS EASEMENT - JAMES & CYNTHIA RICHARDSON - PUBLIC WORKS

Upon recommendation of James Gale, Sr. Property Agent, through David Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the First Amendment Water Line and Access Easement (Spring Creek Well No. 6) by James T. & Cynthia M. Richardson, Grantor, and Washoe County, Grantee, be accepted and Chairman Galloway be authorized to execute.

99-852 RESOLUTION AND QUITCLAIM DEED - WHITE'S CREEK LANE- PUBLIC WORKS

Upon recommendation of James R. Gale, Sr. Property Agent, through David Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the Quitclaim Deed between Washoe County, Grantor, and Massoud Dorostkar, Trustee, Grantee, be approved. It was further ordered that the following resolution be adopted and Chairman Galloway be authorized to execute.

RESOLUTION

WHEREAS, pursuant to NRS 244.276 the County of Washoe has the power to vacate roads, and;

WHEREAS, Washoe County has agreed to vacate a portion of White's Creek Lane no longer needed due to the construction of Arrow Creek Parkway, and;

WHEREAS, pursuant to NRS 244.276, this portion of White's Creek lane was acquired by dedicated and must revert back to the abutting property owner.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY that Washoe County will quitclaim to MASSOUD DOROSTKAR, Trustee of the MASSOUD DOROSTKAR 1992 TRUST dated May 18, 1992, the property described on Exhibit "A."

It was noted that aspart of the Arrow Creek Parkway right of way acquisition agreement, Washoe County agreed to vacate a portion

of White's Creek Lane. This portion of White's Creek Lane is unimproved and not needed due to the construction of Arrow Creek Parkway. The right of way was dedicated to Washoe County in August, 1989 by the owner at the time, Millard H. Duxbury. It was further noted that NRS 244.276 allows Washoe County to vacate roadways and, if the roadway was dedicated, the roadway cannot be sold and must revert back to the abutting property owner. Dr. Massoud Dorostkar is the abutting owner.

99-853 PROCUREMENT CARDS - BANK OF AMERICA - PURCHASING DEPARTMENT

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, through Katy Singlaub, County Manager, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the concept of Procurement Cards (P-Cards), be approved and the Purchasing and Contracts Administrator be authorized to contract with Bank of America for the program.

It was noted that the Bank of America program using "Master Card" is the result of a bid and award by the State of Nevada Purchasing Division and the County will be joining on the state's contract; that an implementation plan for a 6 month Pilot Program for the Information Technology, General Services and Purchasing Departments will enable the County to assess the value of the program, work-out any problems, propose viable dollar limits and streamline the process prior to rolling out the program Countywide; and that the C.I. Credit Card Committee will report back in March 2000.

99-854 AWARD OF RFP #2182-99 - MEDIA BUYING SERVICES - HEALTH DEPARTMENT

This was the time to consider request for proposals, Notice to Proposers for receipt of sealed proposals having been published in the Reno Gazette-Journal on July 12, 1999 for Media Buying Services on behalf of the Washoe County District Health Department. Proof was made that due and legal Notice had been given.

Requests for Proposals were received from the following respondents:

- DRGM Advertising & Public Relations
- Custincurtis
- Kruse & Parker
- Marketing Synergists
- Media Directions

Rose-Glenn Advertising, Inc., submitted a "no bid" response.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that RFP No. 2182-99 for Media Buying Services on behalf of the Health Department, be awarded as follows:

- Programs
- Marketing Synergists
- WIC (Women, Infants, and Children)
- Waste Management Division
- Kruse & Parker

Washoe County Air Quality Management Division

It was noted that the Purchasing and Contracts Administrator be authorized to enter into agreements, commencing August 24, 1999,

through June 30, 2000, with the option to renew the agreements for media buying services in annual increments, not to exceed two renewals.

99-855 AWARD OF BID - WASHOE COUNTY UTILITIES CONFERENCE ROOM REMODEL - BID NO. 2185-2000 - WATER RESOURCES

This was the time to consider award of bid, Notice of Contractors for receipt of sealed bids having been published in the Reno Gazette-Journal on July 12, 1999, for Washoe County Utilities Conference Room Remodel, on behalf of the Water Resources Department. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

Mokofisi Construction
Reno Construction, Inc.

Curell Construction and Gill Construction failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that Bid No. 2185-2000 for the Washoe County Utilities Conference Room Remodel, be awarded to the lowest responsive and responsible bidder, Mokofisi Construction, on behalf of Buildings and Grounds Division of the General Services Department, in the amount of \$25,840.00, and the Purchasing and Contracts Administrator authorized to execute an agreement with Mokofisi Construction Inc., to perform the work.

99-856 SEWER FACILITY FEE PAYMENT AGREEMENT - SCOTCH PINE ASSOCIATES, LLC - WATER RESOURCES

Upon recommendation of John Collins, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered the following:

- 1) The Sewer Facility Fee Payment between Washoe County and Scotch Pine Associates, LLC, deferring payment of sewer connection fees for Scotch Pine Estates, be approved, and Chairman Galloway be authorized to execute;
- 2) The First Security Bank Irrevocable Letter of Credit No. 322-02-0003015-S issued to guarantee payment of sewer connection fees in the amount of \$176,700 for Scotch Pine Estates, be accepted; and
- 3) The Utilities Services Divisions' Manager be directed to record the agreement with the County Recorder's office.

99-857 INTERLOCAL AGREEMENT FOR EXCHANGE OF INFORMATION - STATE OF NEVADA HUMAN RESOURCES DEPARTMENT - SOCIAL SERVICES

Upon recommendation of May Shelton, Social Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that an Interlocal Agreement for Exchange of Information be approved, and Chairman Galloway be authorized to execute on behalf of Washoe County.

It was noted that the purpose of the Interlocal Agreement is authorization for the State of Nevada Human Resources Department and Washoe County Social Services Department to access each others computer system for the purpose of exchange of information about mutual public welfare clients.

99-858 PROFESSIONAL SERVICES AGREEMENT - SAGE WIND - SECOND JUDICIAL DISTRICT COURT

Upon recommendation of Cathy Krolak, Court Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the Professional Services Agreement concerning Juvenile Drug/Alcohol Rehabilitation services between the Second Judicial District Court and Sage Wind, be approved.

It was noted that the term of this Agreement is one year, July 1, 1999 through June 30, 2000 and the total cost of these services

will not exceed \$30,000.

99-859 APPOINTMENT & RESIGNATION - BOARD OF ADJUSTMENT

On motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that Mr. Rex Williams' resignation from the Board of Adjustment, be accepted, effective immediately, and Neal H. Cobb be appointed to the Board of Adjustment, to fill Mr. Williams' unexpired term, to expire June 30, 2001.

99-860 APPOINTMENT - SOCIAL SERVICES ADVISORY BOARD

On motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the appointments of Rose McGuire, Rita McGary and Denise Everett to four-year terms to the Washoe County Social Services Department Advisory Board, effective immediately, be ratified.

99-861 REAPPOINTMENT - ADVISORY BOARD TO MANAGE WILDLIFE

On motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that Joel Blakeslee be reappointed to the Washoe County Advisory Board to Manage Wildlife, for a term to expire July 1, 2002.

99-862 REPORT - INTERNAL AUDITOR PROGRAM - MANAGER

Upon recommendation of Katy Singlaub, County Manager, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the three year audit schedule development plan for the Internal Auditor Program, be approved.

99-863 REPORT - REGIONAL WATER PLANNING COMMISSION - WATER RESOURCES

On motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the updated report on recent activities of Regional Water Planning Commission, be accepted.

99-864 REPORT - REGISTRAR OF VOTER'S CANDIDATES - HUMAN RESOURCES

Robert Murray, DMG-Maximus Inc., was present and answered questions for the Board regarding background investigations and interview dates for candidates.

Upon recommendation of Robert Murray, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the final candidates for the Registrar of Voter's position be approved with September 14 and September 21, 1999 as the dates set for interviews.

99-865 PROPERTY PURCHASE - 816 MORRILL AVENUE - PUBLIC WORKS

Upon recommendation of James Gale, Sr. Property Agent through David Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the property located at 816 Morrill Avenue, APN 008-162-10, be approved for purchase in the amount of \$87,000; that staff be directed to look into the possibility of rehabilitation of the property; and that Chairman Galloway be authorized to execute all pertinent documents.

99-866 REPORT - RENO-SPARKS INDIAN COLONY - BONEYARD FLATS FLOOD CONTROL PROJECT- PUBLIC WORKS

David Roundtree, Public Works Director stated that there has not been an agreement regarding the alignment with the Reno-Sparks Indian Colony (RSIC); that the alignment that crosses diagonally through the intersection of Pyramid Highway and Eagle Canyon Drive is the one he referred to at the last meeting which he had just found out was not acceptable to NDOT; and that he has attempted to get written confirmation from NDOT, but has not yet received anything. He advised that though they have not yet reached an agreement with RSIC they are close to doing so.

Present on behalf of RSIC was Chairman Arlan Melendez; Cindy Shapiro, Economic Development Director; Carol Pinto, Planning Department; and Paula Berkley, the Tribe's Lobbyist, who all spoke on behalf of RSIC, and requested that they be given the information requested in the letter to the Board of County Commissioners dated August 24, 1999, so they can move forward with the alignment and trust application.

Ms. Pinto stated that RSIC has been cooperating in good faith with Washoe County and has yet to receive any information requested; that staff was directed by the Board 2 months ago to provide information to RSIC in the negotiations process to agree on an alignment concept. She further stated that when they were before the Board 2 months ago and this matter was continued, it was RSIC's understanding that it was for both the alignment and trust application support; that they request since they have been working cooperatively with Washoe County, that Washoe County support their trust application; and that just for the Board's information the trust application could take 3 to 6 months before any action is taken. She further advised that when they came up with alignment numbers 1 and 2, they did so after consultations with hydrologists and engineers; that they spent their own money on that; and that Washoe County has yet to provide them with any information to review regarding the project.

Robert Sader, 462 Court Street, representing Spanish Springs Associates and Hawco Development Corporation, who are property owners on the other sides of these conceptual maps (referring to the CFA Plans that were provided to the Board) stated that alternative #1 severely impacts the property upstream and is unacceptable to them, but alternatives #2 and #3 are acceptable; that alternative #2 is in preference to #3; and that if the parties can agree on an easement which is relocatable by mutual consent that should be concurrent with the Board's decision to support the trust application. He further stated that all of the improvements and all of the real property that go into this flood control project are part of an impact fee and users have to pay that fee back, and the Board should keep that in mind when or if they decide to support the trust application.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that staff be directed to submit answers to the questions requested in the August 24, 1999 letter from the Reno-Sparks Indian Colony; that this matter be agendaized for the next meeting in September; and that it be agendaized so that if there is still no agreement on the alignment that the trust issue can go forward.

99-867 ACCEPTANCE OF PROPOSAL AND AGREEMENT - WASHOE COUNTY LIBRARY SYSTEM - PUBLIC WORKS

Upon recommendation of Robert Hall, County Architect, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the Proposal and Agreement from Aaron Cohen Associates Ltd., to complete Facility Needs Assessment (Short and Long Range Facility Plan) for the Washoe County Library System in the amount of \$50,000, be approved and Chairman Galloway authorized to execute.

99-868 REFUND OF TAXES - CATHOLIC COMMUNITY SERVICES OF NORTHERN NEVADA APN 008-245-03

Based upon District Attorney's Opinion No. 6375, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the request by Catholic Community Services of Northern Nevada for refund of taxes paid on APN 008-245-03 for the 1998-1999 tax year, be approved for the reasons stated in the Decision placed on file with the Clerk, and Chairman Galloway be authorized to execute the following resolution:

RESOLUTION - Directing the County Treasurer to Refund Taxes

WHEREAS, the Board of Commissioners of Washoe County, pursuant to NRS 354.240, has the authority to direct the County Treasurer to refund to an applicant the amount of money paid in to the County Treasury in excess of the amount legally payable; and

WHEREAS, Catholic Community Services of Northern Nevada (Taxpayer), made application for the refund of 1998-1999 real property taxes because the taxpayer's property, APN 008-245-03, was tax-exempt for part of the 1998-1999 fiscal year; and

WHEREAS, Catholic Community Services of Northern Nevada has overpaid taxes for fiscal year 1998-1999 in the amount of \$6,044.51; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for

making such application and that the granting of such refund would be equitable.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY AS FOLLOWS:

1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to Catholic Community Services of Northern Nevada a total of \$6,044.51, that amount being the taxes overpaid for the tax year 1998-1999 on APN 008-245-03.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of this refund.

99-869 REFUND OF TAXES - RENO ELKS HOME, INC. APN 024-055-17

Based upon District Attorney's Opinion No. 6374, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the request by Reno Elks Home, Inc. for refund of taxes paid on APN 024-055-17 for the 1996-1997; 1997-1998; 1998-1999 tax years, in the amount of \$4,941.05, be approved for the reasons stated in the Decision placed on file with the Clerk, and Chairman Galloway be authorized to execute the following resolution:

RESOLUTION - Directing the County Treasurer to Refund Taxes

WHEREAS, the Board of Commissioners of Washoe County, pursuant to NRS 354.240, has the authority to direct the County Treasurer to refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally payable; and

WHEREAS, Reno Elks Home, Inc. (Taxpayer), made application for the refund of real property taxes for the tax years 1996-1997; 1997-1998; and 1998-1999 because the taxpayer's property, APN 024-055-17, was tax-exempt; and

WHEREAS, Reno Elks Home, Inc., has overpaid taxes for fiscal years 1996-1997; 1997-1998; and 1998-1999 in the total amount of \$4,941.05; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for making such application and that the granting of such refund would be equitable.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY AS FOLLOWS:

1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to Reno Elks Home, Inc., a total of \$4,941.05, that amount being the taxes overpaid by Reno Elks Home, Inc., for the tax years 1996-1997; 1997-1998; and 1998-1999 on APN 024-055-17.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of this refund.

99-870 RECOMMENDATION FOR RFQ PROPOSAL - JUVENILE SERVICES FACILITY

Leonard Pugh, Director of Juvenile Services, was present and answered questions for the Board and stated that he would like approval for the RFQ process in order to complete the site analysis concerning the new Juvenile Detention Center and hopefully locate a site to move this project along.

On motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the recommendation for RFQ proposals, be approved.

99-871 PROGRAM ASSISTANT POSITION- SAFES & SAINTS PROGRAM - TRANSFER FROM CONTINGENCY - DISTRICT ATTORNEY'S OFFICE - FINANCE

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the position for Program Assistant for coordination of SAFES and

SAINTS Programs may be approved, and the comptroller be authorized to make the following transfers from the Contingency Account to the District Attorney's Budget:

Increase Account	Description	Amount
1061-7001	Base Salary	\$33,904
1061-7048	Retirement	6,357
1061-7050	Medicare	492
1061-7042	Insurance	2,701
1061-7205	Furniture	4,000
1061-7829	Computers	2,200
	Total Increase	\$49,654

Decrease Account	Description	Amount
1890-7328	Contingency	\$49,654

99-872 REQUEST FOR RELIEF ON APPLICATION TO ORDINANCE 1038 - WOLF RUN GOLF COURSE - WATER RESOURCES

Upon request of Richard Campbell, Jr., Esquire on behalf of Wolf Run Golf Course for a continuance to a later meeting, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that this matter be continued to a September 1999 Board Meeting.

4:00 p.m. Having completed the 1:30 portion of the agenda, the Board recessed.

5:00 p.m. The Board reconvened with all members present.

99-873 COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA98-WS-1 - DEVELOPMENT CODE AMENDMENT CASE NO. DCA98-10 - COMMUNITY DEVELOPMENT

5:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on August 14, 1999 concerning Comprehensive Plan Amendment Case No. CPA98-WS-1 to consider the Washoe County Planning Commission recommendation for approval to amend the Warm Springs Area Plan, being a part of the Washoe County Comprehensive Plan, to revise the General Rural Residential Development Standards. The proposed amendments would include revisions to "attached or detached accessory dwellings," "temporary recreational vehicle use," "business vehicle parking," "bed & breakfast inns," "private air strips, glider ports and personal landing fields," and "factory built homes" and other changes deemed necessary by the Washoe County Planning Commission and the Board of County Commissioners,

AND

Development Code Amendment Case No. DCA98-10 to consider the Washoe County Planning Commission recommendation for approval to amend the Washoe County Development Code Article 226, Warm Springs Area, and Article 902, Definitions, to incorporate revised General Rural Residential development standards to be consistent with the policies and action programs contained in the Warm Springs Area Plan. The proposed amendment will modify Section 110.226.15 "General Rural Residential Area Modifiers", to specify revisions to "attached or detached accessory dwellings," "temporary recreational vehicle use," "business vehicle parking," "bed & breakfast inns," "private air strips, glider ports and personal landing fields," and "factory built homes" and other changes deemed necessary by the Washoe County Planning Commission and the Board of County Commissioners. Proof was made that due and legal notice had been given.

Dean Diederich, Planning Manager, Department of Community Development, provided background information regarding this item and reviewed a map of the subject area which he presented on the document camera. He reviewed the proposed amendments to the Warm Springs Area Plan relative to modular home standards, residential aesthetic standards, temporary recreational vehicle use standards, commercial vehicle parking standards, accessory dwelling unit standards, and private airstrips and glider ports standards, advising that the Planning Commission has recommended that all provisions relating to modular home standards for the Warm Springs Area Plan be eliminated, noting that county-wide standards are already in place in the Development Code; that a special use permit be required to establish any kind of aircraft landing field; that, in recognition of the large lot areas and financing problems in the remote area of Warm Springs, accessory dwelling units not be subject to the minimum floor area requirements in relationship to the main residential structure; that the recreational vehicle standard be modified to conform to county-wide standards; that a special use permit be required for five or more commercial vehicles; and that all commercial vehicles be parked or screened out of sight in an enclosed garage or behind a fence. Mr. Diederich discussed the differences between modular, manufactured and mobile homes and stated that a modular home is constructed to the Uniform Building Code (UBC) criteria authorized under State law; and that the proposed amendments would not affect the current restriction on placing manufactured homes or mobile homes within the Warm Springs planning area. He then referenced the documentation provided to the Board by Bill Anthony of Trinity Homes concerning the UBC regulations for modular homes and Housing & Urban Development Code (HUD) regulations for manufactured homes.

Chairman Galloway opened the public hearing and called on those wishing to speak.

Donald Korson, Washoe Homes, spoke in support of the proposed amendments and advised that Washoe Homes is not placing mobile or manufactured homes in the Warm Springs Area; that modular homes are built in accordance with UBC standards, and are built to the same code, incorporate the same construction materials, and go through the same inspection process as site-built homes; and that in the 15 years he has been selling modular homes there has never been an area in which one of his homes was placed that has reduced or hindered property values.

Bill Anthony, Trinity Homes, Inc., spoke in support of the proposed amendments stating that he has had a number of customers over the years wanting to put a modular home in the Warm Springs area; and that the current standards represent a double standard and steps should be taken to alleviate that situation.

Daniel Malo, Palomino Valley area resident, commented that the proposed standards limiting the number of vehicles and requiring that a fence be built to screen vehicles does not seem realistic for the type of living that exists in the Warm Springs area; that changing the standards for the modular homes seems to be for the convenience of the modular home builder; and that he has no doubt that modular housing reduces property values as he has experienced this with other property that he owns.

Bruce Laxalt, Attorney for Air Sailing, Inc., advised that they are not directly implicated by the matter before the Board today but wanted to let the Commission know who they are and what they are doing; that the glider port has been in operation for 25 years and it is their intention to be a good neighbor and conduct their operation in a safe manner; and that their only concern currently is with regard to the application for Flying Eagle Airpark Ranch for a private airport approximately 1/2 mile from their runways.

Michael Green, Trustee, Air Sailing, Inc., provided additional information about their operation and advised that they are concerned about safety issues with regard to the application of Flying Eagle Airpark Ranch and thinks a special use permit should be required to allow a safe operation for both companies.

Lester Withers, Palomino Valley resident, advised that he owns 112 acres which has an airstrip and owns various ranching equipment; that he would like to protect his rights in keeping large parcels and being able to continue with the quality of life set forth in the past; and that he does not feel there should be a limitation imposed on equipment and other requirements the property owners need for their livelihood as ranchers, construction, etc.

Jerome Kocimski, Palomino Valley resident, stated that people bought in the Warm Springs area in order to live on 40+ acre parcels with the expectation that they would not have a lot of neighbors within close proximity and could do certain things with their

property; that he does not think the residents are discriminating against manufactured housing, but simply want houses to be placed on a foundation on a minimum 40-acre parcel; and that they are concerned that large property owners will be allowed to subdivide to smaller lots with a lot of manufactured homes.

Cheryl Malo, Palomino Valley resident, stated that if manufactured homes are allowed in the area, she foresees a lot of buildings being put up quickly and the roads cannot sustain that kind of growth; and that all their homes are very individual and manufactured homes, which all look very similar, will take away some of the aesthetic reasons for living in the valley.

Lois Avery, Warm Springs area property owner, stated that she thinks a lot of good thought went into the recommendation being presented to the Board; and that she supports the proposed accessory dwelling standards. She asked for clarification about the definition of a commercial vehicle.

Paul Neuffer, Warm Springs area resident, commented that requiring a special use permit for private airstrips, glider ports, and personal landing fields, will have the consequence of outlawing the landing of airplanes on private properties that need that ability for their operation in ranching, etc.

Rymas Nefas, Palomino Valley resident, stated that he bought property in the Warm Springs area because there was a lot of land and the standards allowed for a plane, hanger, and airstrips; that he does not want to see the land cut into small pieces with restrictive rules against the ability to have an airstrip; and that he has several heavy equipment vehicles to maintain his property and does not want to see restrictions on those vehicles.

There being no one else wishing to speak, Chairman Galloway closed the public hearing.

Mr. Diederich responded to questions of the Board concerning the issues that were raised by the residents relative to existing uses, the 40-acre minimum lot size in the Warm Springs Area, modular home regulations, etc.

Discussion then commenced relative to Senate Bill 323. Commissioner Sferrazza stated that staff has eliminated some of the requirements that he thinks are consistent with SB323 such as language referring to permanent foundations, non-reflective siding and roof requirements, etc.; and that he could not support the amendments if those restrictions that are allowed and required by State statute are removed. Mr. Diederich advised that SB323 becomes effective January 1, 2000 and relates strictly to manufactured housing; that modular housing is already covered by a section in NRS adopted in 1995; and that SB323 will have to be addressed county-wide by January 1, 2000. Legal Counsel Shipman stated that SB323 strictly relates to manufactured homes which are not currently authorized in the County except with special zoning and trailer overlay, etc.; that modular homes have been authorized in all single family residential districts since 1995, and although they can be regulated through aesthetics, etc. such regulations would have to apply to all homes in the area and there can be no distinction between a modular home and a site-built home; and that between now and January 1, 2000 when SB323 becomes effective, the County will be required to adopt an ordinance that deals with all of these issues.

Discussion was then held concerning the issue of nonreflective siding and Mr. Diederich advised that the CAB had extensive discussions about architectural and aesthetic standards including the matter of having nonreflective siding; and that staff was concerned about having to maintain any special standard in Warm Springs when all the issues will have to be reviewed on a county-wide basis in response to SB323.

Commissioner Shaw asked if anyone was present to provide information concerning the position of the Warm Springs CAB with regard to the issues being presented.

Phil Anderson, past Chair, Warm Springs CAB, advised that the CAB did not want to impose any special standards on any type of housing that was not applied to all; that they would like to have had the nonreflective siding but staff made it clear that it would be very difficult to enforce and to apply to all buildings; and that their primary concern was the roof pitch and the general architectural shape of buildings. Mr. Anderson then responded to further questions of the Board concerning the various amendment issues including roof pitch, vehicle standards, private air strips, etc.

The Board discussed issues concerning nonreflective standards, snowloading and roof pitch, etc., and Robert Sellman, Director,

Department of Community Development, provided additional information in response to questions of the Board.

Chairman Galloway stated that he believes that instead of taking away all the standards for the modular homes, standards could have been imposed for all homes and all structures; that he believes that a nonreflective siding standard could be implemented, not on a county-wide basis, but just for the Warm Springs area; and that he is not satisfied that the Warm Springs residents understood that there were other options concerning this issue. He further stated that he supports the recommendation concerning roof pitch because of restraint of trade and transportation issues. Mr. Diederich advised that staff did not concur with the citizens request relative to nonreflective siding because of the difficulty to enforce aesthetic standards which position is supported by relevant court actions that traditionally rule on the side of the property owner; but that it was made clear that both the citizens and the Planning Commission were free to consider all proposals. Commissioner Sferrazza stated that he would rather not dictate to the homeowners what they should have, but would prefer to let them recommend what they want and then see if the County can make it work.

The Board then considered the option of sending this item back to the Planning Commission to consider the inclusion of some minimal architectural standards just for the Warm Springs area, which raised the issue of due process for the residents because of the new criteria that would be considered. Commissioner Bond noted that it has been very difficult to get consensus concerning architectural standards from the Homeowners Association, the CAB, and the residents in the Warm Springs area, and that situation is not likely to change.

Following further discussion and having made the following findings:

Comprehensive Plan Amendment Case No. CPA98-WS-1

1. The proposed amendment to the Warm Springs Area Plan is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan;
2. The proposed amendment to the Warm Springs Area Plan will provide for land uses compatible with existing and planned land uses and will not adversely impact the public health, safety, or welfare;
3. The proposed amendment to the Warm Springs Area Plan responds to changed conditions or further studies that have occurred since the Board of County Commissioners adopted the plan;
4. The proposed amendment to the Warm Springs Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan;
5. The proposed amendment to the Warm Springs Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services;
6. The proposed amendment to the Warm Springs Area Plan is the first amendment to the Plan in 1999, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code;
7. The Washoe County Planning Commission public hearing prior to the adoption of the proposed amendment to the Warm Springs Area Plan has been properly noticed in a newspaper of general circulation in the County as prescribed under Development Code Section 110.820 and Nevada Revised Statutes 278.210;
8. The Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing(s).
9. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the County Commission public hearing;

Findings for Development Code Amendment Case No. DCA98-10

1. The proposed amendment to the Washoe County Development Code is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan;
2. The proposed amendments to the Washoe County Development Code, will not adversely impact the public health, safety, or welfare, and will promote the original purpose for the Development Code as expressed in Article 918, Adoption of Development Code;
3. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allows for a more desirable utilization of land within the regulatory zones;
4. The proposed amendment to the Washoe County Development Code will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan;
5. The Washoe County Planning Commission public hearing prior to the adoption of the proposed amendment to the Development Code has been properly noticed in a newspaper of general circulation in the County as prescribed under Development Code Section 110.818 and Nevada Revised Statutes 278.260;
6. The Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing(s).
7. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the County Commission public hearing;

on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, with Commissioner Sferrazza voting "no," Chairman Galloway ordered that Comprehensive Plan Amendment Case No. CPA98-WS-1 and Development Code Amendment Case No. DCA98-10 be approved. It was further ordered that staff be directed to work with the residents of the Warm Springs Area concerning uniform architectural standards that would apply to all structures for the Warm Springs Area only.

It was noted that the approved amendments will be forwarded to the Truckee Meadows Regional Planning Commission for a finding of conformance with the Regional Plan and then will come back to the County Commission for final approval and signature of the adopting resolution.

Commissioner Sferrazza stated that he did not support the motion because he would like to hear further from the homeowners before taking action.

99-874 BILL NO. 1252 - ORDINANCE NO. 1076 - AMENDING WCC CHAPTER 110 (DEVELOPMENT CODE) - WARM SPRINGS AREA - COMMUNITY DEVELOPMENT

5:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on August 14, 1999, to consider the second reading and adoption of Bill No. 1252. Proof was made that due and legal notice had been given.

The public hearing and discussion for this item was held in conjunction with the previous item.

Pursuant to discussion held as noted in the previous item, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, with Commissioner Sferrazza voting "no," Chairman Galloway ordered that Ordinance No. 1076, Bill No. 1252, entitled "AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (SECTION 110.226.15 [WARM SPRINGS AREA] AND SECTION 110.902.15 [DEFINITIONS]) TO SPECIFY REVISIONS TO ATTACHED OR DETACHED ACCESSORY DWELLINGS, TEMPORARY RECREATIONAL VEHICLE USE, BUSINESS VEHICLE PARKING, BED AND BREAKFAST INNS, PRIVATE AIR STRIPS, GLIDER PORTS AND PERSONAL LANDING FIELDS AND FACTORY BUILT HOMES AND OTHER MATTERS PERTAINING THERETO," be approved, adopted, and published in accordance with NRS 244.100.

COMMISSIONERS' /MANAGER'S COMMENTS

Chairman Galloway noted that he sent a letter to Geno Menchetti, Chairman of the Airport Authority Board of Trustees [placed on

file with the Clerk], in response to Commission action at the last meeting, inviting him to be present at the regular Board meeting of September 14, 1999; that he did have a response from Mr. Menchetti that, although he has some reservations, he would be willing to be present; and that it is his feeling that the Board should ask him to appear and discuss the matter at hand.

Commissioner Bond requested clarification concerning whether the Board members are going to be asking to review all contracts and agreements in the various agenda items, noting that staff has the impression that that is our desire, but she would only want that material on a requested basis. Chairman Galloway stated that he thinks if one Board member requests a document, all Board members should receive that material.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 7:25 p.m.

JIM GALLOWAY, Chairman

Washoe County Commission

ATTEST: AMY HARVEY, County Clerk

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